



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of
Fish and Game**

DIVISION OF HABITAT
Kenai Peninsula Area Office

River Center, 514 Funny River Road
Soldotna, Alaska 99669-8255
Main: 907.714.2475
Fax: 907.260.5992

Please submit application to the Soldotna
Field Office at the above address, by fax, or
Email to ginny.litchfield@alaska.gov

**FISH HABITAT PERMIT
SMALL SCALE MINING – SUCTION DREDGING/POWER SLUICING
SIXMILE CREEK AND RESURRECTION CREEK DRAINAGES**

I hereby make application for a Fish Habitat Permit for small scale mining in Sixmile Creek and Resurrection Creek drainages as indicated in this permit.

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____

E-MAIL: _____

For Official Use Only

PERMIT NUMBER: FH-15-V-_____

DATE ISSUED: _____

DATE EXPIRES: _____

ISSUED BY: _____

Delegation from Sam Cotten, Acting
Commissioner Alaska Department of Fish &
Game

AUTHORIZED SMALL SCALE MINING EQUIPMENT

Suction Dredge: Intake (in.): _____ (must be 6 inches or less)
Horsepower: _____ (must be 18 hp or less)

Power Sluice: Horsepower: _____ (must be 18 hp or less)

“Power Sluicing” is defined as the use of a sluice box and small pump to process material delivered to the sluice with hand tools (shovels, buckets, etc.). This type of mining is also commonly referred to as “High Banking”.

I certify that I am a small scale miner and that I have read and understand this permit, including the permit conditions. I agree to strictly abide by all of the conditions of this permit and I affirm that all information provided herein is true and correct. I acknowledge that non-compliance with the conditions of this permit is subject to the penalty provisions of AS 16.05.841 and/or AS 16.05.871(d).

Signature of Applicant _____

Date _____

Both Resurrection Creek and Sixmile Creek and many of their tributaries have been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). Adult salmon spawning begins in mid-July and extends through the fall. The eggs deposited in the streambed do not emerge as free-swimming fish until April or May of the following year. Salmon eggs deposited in the streambed gravels are extremely vulnerable to any type of disturbance such as suction dredging. In addition, sediment deposited on top of gravels that contain eggs, alevin, or fry may prevent the eggs, alevin, and fry from breathing, thereby killing them. For this reason, the in-stream use of suction dredges is generally limited to the period between **May 15 and July 15**, which is when salmon are least vulnerable to disturbance.

In accordance with AS 16.05.841 and AS 16.05.871(d), approval is hereby given to mine with the specified authorized equipment at the specified locations subject to the following stipulations.

PERMIT STIPULATIONS – ANADROMOUS FISH STREAMS

These stipulations apply to anadromous water bodies specified under AS 16.05.871(a) (Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish).

Stipulations for ALL Small Scale Mining in Anadromous Streams

1. Mining activities below the ordinary high water (OHW) line may be seasonally restricted to protect incubating fish eggs, alevins, and fry within the streambed gravels. Consult the attached list of authorized anadromous streams to determine timing restrictions for specific water bodies.
2. Construction or maintenance of dams, diversions, fills, deflectors, and any other structures below the OHW (vegetation) line is prohibited.
3. Natural stream banks and vegetated gravel bars or vegetated islands shall not be mined, under cut, or disturbed.
4. Motorized equipment shall not be used to move boulders, logs, or other objects too large to be moved by hand.
5. Wheeled or tracked vehicles or equipment shall not be operated in the stream or disturb the stream bank.
6. No equipment leaking fuel, hydraulic fluid, or other pollutants shall be operated below the OHW line.
7. Water withdrawal is restricted to processing material through the sluice box and shall not be used for hydraulic mining or any other purpose.

Additional Stipulations for Power Sluicing in Anadromous Fish Streams

8. Water intakes must be screened with 1/8-inch mesh to prevent the impingement and entrainment of fish.
9. Adequate flow must remain to maintain fish passage during mining activities.

PERMIT STIPULATIONS – RESIDENT FISH STREAMS

These stipulations apply to resident fish streams pursuant to AS 16.05.841.

Stipulation for ALL Small Scale Mining in Resident Fish Streams

1. Construction or maintenance of dams, diversions, fills, deflectors, and any other structure that may impede the efficient passage of fish is prohibited.

Additional Stipulations for Power Sluicing in Resident Fish Streams

2. Water intakes must be screened with 1/8-inch mesh to prevent the impingement and entrainment of fish.

This permit does not allow motorized vehicle use in anadromous (salmon bearing) streams. A separate Fish Habitat Permit is required to cross anadromous waters.

This determination applies only to activities regulated by ADF&G. This determination does not relieve you of the responsibility for securing other state, federal, or local permits nor does it authorize trespass on mineral claims or private property. It is the responsibility of the applicant/permit holder to obtain lawful permission from the landowner or land management agency prior to conducting activities authorized by this permit. Please contact the Kenai Peninsula area ADF&G Habitat office at (907) 714-2475 with any questions.

On state land, the Alaska Department of Natural Resources, Division of Mining, Land, and Water (ADNR/DMLW) also classifies suction dredges with an intake 6 inches or less as recreational. Dredge operators with an intake larger than 6 inches should contact the ADNR/DMLW (907-269-8652) to obtain commercial mining application instructions. **The Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation (ADNR/POR) has additional limitations on the use of motorized mining equipment within state park units.** Recreational miners should contact the ADNR/DPOR at (907) 714-2470 to obtain the latest information for those areas.

The Bureau of Land Management (BLM) has additional limitations on the use of motorized small scale mining equipment within lands managed by BLM. Please contact the Bureau of Land Management (907-271-5960) to obtain the latest information for those areas.

The U.S. National Park Service (NPS) reviews all mining activities, regardless of size, under the Mining in Parks Act. Please contact the NPS at (907) 644-3510 to obtain the latest information for those areas.

The Alaska Department of Environmental Conservation (ADEC) considers dredges with an intake 6 inches or smaller as small scale and has issued a General Permit for small scale mining in Alaska. Larger dredges are considered commercial operations and require prior notice or approval from the federal land manager and ADEC. The current permit can be found at the website listed below. For more information, please contact the ADEC (907-451-2142).

ADEC Small Scale Suction Dredge GP: http://www.dec.alaska.gov/Water/WPSdocs/AKG375000_docs.pdf

For any activity that significantly deviates from the approved plan, you shall notify the Division of Habitat and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of AS 16.05.841 and AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities (see above). This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

AS 16.05.871(anadromous stream) permit decisions may be appealed in accordance with the provisions of the Administrative Procedures Act (AS 44.62.330—44.62.630).

cc A. Ott, ADF&G
 P. Berkhahn, ADF&G
 B. Blossom, ADF&G
 G. Litchfield, ADF&G
 B. Harris, ADF&G
 L. Smith, ADF&G
 R. Begich, ADF&G
 S. Ayers, ADF&G
 W. Cole, ADNRM/LW
 C. Curley, ADNRM/LW
 D. Schade, ADNRM/LW

 D. Schade, ADNRM/LW
 M. Walton, ADNRM/LW
 J. Wynne, ADNRM/LW
 H. Wynne, ADNRM/LW
 Dena Ross, AWT
 M. Aldridge, KPB
 COE KFO
 DEC Group
 M. Johnson, USFS

Authorized Stream Locations and open time periods in the **Sixmile Creek Drainage**.

	Stream Name Anadromous Catalog Stream No.	Location	Dates Authorized	841/871
1.	Alder Creek		year round	841
2.	Beaver Creek		year round	841
3.	Bench Creek 247-60-10170-2002-3044-4008	From river mile 2.2 mile to Center Crk S9,10,14,15,T7N,R1E	5/15 to 7/15	871
4.	Bench Creek	From river mile 2.2 upstream to end	year round	841
5.	Bertha Creek		year round	841
6.	Black Creek		year round	841
7.	Butcher Creek		year round	841
8.	Canyon Creek 247-60-10170-2030	From river mile 3.2 to Sixmile Creek S15,21,22,28,33,T8N,R1W	5/15 to 7/15	871
9.	Canyon Creek	From river mile 3.2 upstream to end	year round	841
10.	Center Creek 247-60-10170-2002-3044	From river mile 1.6 mile to outlet S4,9,10,T7N,R1E	5/15 to 7/15	871
11.	Center Creek	From river mile 1.6 upstream to end	year round	841
12.	Clinton Creek		year round	841
13.	Colorado Creek		year round	841
14.	Cub Creek		year round	841
15.	Divide Creek		year round	841
16.	Donaldson Creek		year round	841
17.	East Fork Sixmile Creek 247-60-10170-2002	Confluence of Granite Creek to Sixmile Creek	5/15 to 7/15	871
18.	Falls Creek		year round	841
19.	Frenchy Creek		year round	841
20.	Fresno Creek		year round	841
21.	Gleason Creek		year round	841
22.	Granite Creek 247-60-10170-2002-3041	Downstream from confluence of Bertha Creek	5/15 to 7/15	871
23.	Granite Creek 247-60-10170-2002-3041	Upstream from confluence of Bertha Creek	<u>closed</u>	871
24.	Groundhog Creek, Gulch Creek, Juneau Creek		year round	841
27.	Lynx Creek, Lyon Creek, Mills Creek		year round	841
30.	Moose Creek, Nelson Creek, Ohio Creek		year round	841
33.	Old Woman Creek, Pass Creek, Petes Creek		year round	841
36.	Roaring Creek		year round	841
37.	Silvertip Creek 247-60-10170-2002-3036	From river mile 1.1 mile to outlet S36,T8N,R1W/S31,T8N,R1E/ S6,T7N,R1E	5/15 to 7/15	871
38.	Silvertip Creek	From river mile 1.1 upstream to end	year round	841
39.	Sixmile Creek 247-60-10170	Confluence of East Fork Sixmile Creek to outlet	5/15 to 7/15	871
40.	Spokane Creek, Stormy Creek, Taylor Creek		year round	841
43.	Tenderfoot Creek, Timberline Creek		year round	841
45.	Tincan Creek, Tributary Creek		year round	841
47.	Unnamed trib to EF Sixmile 247-60-10170-2002-3039	Intersection of Seward Hwy to outlet S31,32,T8N,R1E/S5,T7N,R1E	5/15 to 7/15	871
48.	Unnamed trib to EF Sixmile 247-60-10170-2002-3941	Intersection of Seward Hwy to outlet S31,T8N,R1E/S6,T7N,R1E	5/15 to 7/15	871
49.	Walker Creek		year round	841
50.	Weber Creek		year round	841
51.	Wilson Creek		year round	841
52.	All other unnamed tributaries to Sixmile Creek drainage	various	year round	841

Authorized Stream Locations and open time periods in the **Resurrection Creek Drainage.**

	Stream Name	Location	Dates Authorized	841/871
	Anadromous Catalog Stream No.			
1.	Abernathy Creek		year round	841
2.	Afanasa Creek		year round	841
3.	American Creek		year round	841
4.	Bedrock Creek		year round	841
5.	Bonanza Creek		year round	841
6.	Cannonball Creek		year round	841
7.	Caribou Creek 247-60-10150-2051	From river mile 0.5 mile to outlet S17,T8N,R2W From river mile 0.5 upstream to end	5/15 to 7/15	871
8.	Caribou Creek		year round	841
9.	Coeur d'Alene Creek		year round	841
10.	Cripple Creek 247-60-10150-2008	From river mile 0.5 mile to outlet S32,33,T10N,R2W From river mile 0.5 upstream to end	5/15 to 7/15	871
11.	Cripple Creek		year round	841
12.	East Creek		year round	841
13.	Fox Creek		year round	841
14.	Gold Gulch/Unnamed 247-60-10150-2028	From river mile 0.5 mile to outlet S28,T9NR2W From river mile 0.5 upstream to end	5/15 to 7/15	871
15.	Gold Gulch		year round	841
16.	Highland Creek		year round	841
17.	Hungry Creek		year round	841
18.	Island Creek		year round	841
19.	Moose Creek		year round	841
20.	Palmer Creek 247-60-10150-2025	From river mile 0.5 mile to outlet S21,22,T9N,R2W From river mile 0.5 upstream to end	5/15 to 7/15	871
21.	Palmer Creek		year round	841
22.	Pass Creek		year round	841
23.	Resurrection Creek 247-60-10150	entire creek	5/15 to 7/15	871
24.	Rimrock Creek		year round	841
25.	White Creek		year round	841
26.	Wildhorse Creek		year round	841
27.	Willow Creek		year round	841
28.	Wolf Creek		year round	841
29.	All other unnamed tributaries to Resurrection Creek drainage	various	year round	841



